



Alabama Geologist

A Publication of the Alabama Board of Licensure for Professional Geologists

Volume 1 Issue 7

Winter 2001

Sunset Review

Comments from Chair Thornton L. Neathery

For the second time since its creation, the Alabama Board of Licensure for Professional Geologists has stood for review by the legislative Sunset Committee. Sunset review is mandatory every four years. Our first review was in 1996.



The Examiners of Public Accounts reviewed the operation of the Board during the late spring and early summer months. Approximately 20% of the Alabama resident licensed geologists were sent questionnaires requesting response on a variety of issues. Board members, licensees and complainants were sent topical questions relating to the Board's activities. The responses were tabulated and included in a report submitted to the Sunset Committee. The Board wishes to thank all respondents for their candid comments. Be apprised that the Board carefully considered each response. Where applicable, changes are underway to improve or correct the various situations highlighted by the responses.

The Examiners of Public Accounts did report two areas which the Board has taken corrective action: (1) resolution of the controversy over jurisdictional overlap between the Professional Geologist Board and the Professional Engineers Board (see article elsewhere concerning on going activities), and (2) implementation of several administrative rules relating to disciplinary procedures, guidelines for enforcement, use of professional seals and stamps, and minimum college courses mandatory for licensure. Also included therein were comments relating to the notification of

licensees about pending enforcement actions. Both of these items are currently being rectified or reconciled.

All Board members were present during the hearing review. T.L. Neathery stood for the Board and called on other members of the Board as required for responses to specific questions. Ms. Regina Dinger, Executive Director of the Professional Engineers Board spoke on behalf of the jurisdictional controversy and its resolution. We appreciated her participation and support. The Board will not hear the final opinion of the Sunset Committee Review until late January 2001 but indications are favorable for continued existence.

CALENDER OF EVENTS

March 15, 2001	Board Meeting	(Thursday - 10:00 a.m.)
March 16, 2001	ASBOG Examination	(Friday - 8:00 a.m.)
May 17, 2001	Board Meeting	(Thursday - 10:00 a.m.)
July 19, 2001	Board Meeting	(Thursday - 10:00 a.m.)
September 14, 2001	ASBOG Examination	(Friday - 8:00 a.m.)
September 20, 2001	Board Meeting	(Thursday - 10:00 a.m.)
November 15, 2001	Board Meeting	(Thursday - 10:00 a.m.)

ABLPG Board Members

Thornton L. (Tony) Neathery, Chairman

Neathery & Associates

3032 Firethorn Drive

Tuscaloosa, AL 35405

Office: 205-553-5466

Fax: 205-553-6813

Home: 205-553-1695

E-mail: TLNEATHERY@prodigy.net

Fred Mason, Vice Chairman

Alabama Department of Environmental Management

2910 Ashley Avenue

Montgomery, AL 36109

Office: 334-271-7831

Fax: 334-270-5631

Home: 334-271-3659

E-mail: FCM@adem.state.al.us

Mark Chapman, Secretary-Treasurer

USX, Corporation

Post Office Box 599, Suite 126

Fairfield, AL 35064

Office: 205-783-2168

Fax: 205-783-2529

E-mail: mchapman1@uss.com

David R. Bowers, Jr.

Drummond Company, Inc.

Post Office Box 1549

Jasper, AL 35502-1549

Office: 205-387-0501

Fax: 205-384-2313

E-mail: dbowers@drummondco.com

Roger Chapman, Finance Committee

Smackco, LTD

Post Office Box 649

Brewton, AL 36427

Office: 334-867-9044

Fax: 334-867-5427

Home: 334-867-7758

E-mail: rchapman@leighplace.com

Dr. Bob Cook, Continuing Education

Department of Geology and Geography

Auburn University

210 Petrie Hall

Auburn, AL 36849

Office: 334-844-4282

Fax: 334-844-4486

Home: 334-821-3981

E-mail: cookrob@mail.auburn.edu

Mary S. Moran, Assistant Secretary

Gallet & Associates, Inc.

320 Beacon Parkway West

Birmingham, AL 35209

Office: 205-942-1289

Fax: 205-942-1266

Home: 205-408-9618

E-mail: MMoran@gallet.com

Board Staff:

Bill Little, Board Counsel

Office of the Attorney General

State of Alabama

11 S. Union Street

Montgomery, AL 36130

Office: 334-242-4162

Fax: 334-353-8238

E-mail: blittle@ago.state.al.us

Keith Warren, Executive Secretary

610 S. McDonough Street (36104)

Post Office Box 175

Montgomery, AL 36101-0175

Office: 334-264-0730

Fax: 334-263-6115

E-mail: ALGEOBD@aol.com

Web Page: www.algeobd.com

Lynn Irvin, Executive Assistant

610 S. McDonough Street (36104)

Post Office Box 175

Montgomery, AL 36101-0175

Office: 334-264-0730

Fax: 334-263-6115

E-mail: lynn@warrenandco.com

Not In My Backyard

By: David R. Bowers, Jr.

Not in my backyard seems to be the attitude for any change of land use these days and especially for the mining industry. We have all seen the decline of the coal mining industry in Alabama. Alabama until recent years has seen the production of coal increase while cutting cost and prices. Coal prices peaked in 1975 and have declined over 68 percent in real terms. This is a result of competition from other geographic areas as well as public pressure and environmental concerns.

Coal from the Western U.S. has competed with eastern coal for several years and foreign coal is now entering the U.S. market place. Many foreign countries are adopting policies favorable to mining and encouraging investment from the international community. To encourage foreign investment, they are decreasing trade barriers, relaxing exploration regulations, reducing corporate tax rates, reducing taxes and fees on industry, and streamlining permitting processes. Permitting time for new mine sites in many countries is one-half to one-third the time required in the United States. South American governments began policy changes over a decade ago and are now producing coal on the world market including the U.S. market. Asian countries are beginning to follow their lead.

Global competition driving the mining industry is unlikely to decline. Coal and uranium remains the fuels of choice for the production of electricity in the U.S. They are used to generate over three-quarters of the nation's electricity supply despite other alternative fuel sources. They have helped keep U.S. electricity costs among the lowest in the world and thus enhancing the competitiveness of U.S. industry.

If the U.S. is to remain competitive in the mining industry, the public must be educated to better understand and support the mining industry. At least half of the American general public does not recognize the role that mining plays in our everyday lives. With the very recent increase in the price of petroleum, the public is being made aware of our dependence on foreign fuel and in particular the Middle East. If the not in my backyard attitude continues toward the mining industry, the public can look forward to its dependence on foreign coal and other minerals.

Congratulations to those that passed the ASBOG Exam!

Fundamentals of Geology

Christopher K. Ridgway

Jeffrey D. Snell

Practice of Geology

Steven C. Bearce

Rhonda Capes

Richard A. Esposito

Steve Moran

Jim Redwine

Hadley Smith

Michael Sykes

GEOLOGISTS AND ENGINEERS TASK COMMITTEE

By: Mary S. Moran

The Alabama Board of Licensure for Professional Geologists (ABLPG) and the Alabama Board of Registration for Professional Engineers and Land Surveyors (PELSB) have formed a joint task committee to facilitate communications and resolve issues between both boards. Some of the material presented below was previously published in *The Alabama Geologist*; however, it has been included here for reference.

BACKGROUND

The ABLPG and the PELSB signed a *Memorandum of Understanding Between the Alabama Board of Licensure for Professional Geologists and the Alabama Board of Registration for Professional Engineers and Land Surveyors* (MOU) on May 9, 1996. The purpose of the MOU is "to provide guidelines for resolving any jurisdictional concerns that may arise between registered geologists and registered engineers and land surveyors."

In addition, the MOU states that "[the ABLPG] and the PELSB recognize that an individual who is principally either a geologist or an engineer may, by formal training or by experience, have acquired a working knowledge of aspects of the other field pertinent to his [sic] principal activities. Both the [ABLPG] and PELSB also recognize, within their statutory responsibilities, that qualified individuals should not be restricted from activities in the second field that may be incidental to their primary field of professional practice. In such cases, the practitioner will ordinarily be adequately guided and constrained by registration laws and codes of ethics associated with his or her primary professional affiliation."

Issues

There have been several "incidental" practice issues brought to the attention of the ABLPG since the MOU was signed. Several complaints have been received from licensed geologists regarding apparently unqualified engineers practicing geology. What is significant is that the complaints came from individual licensed geologists employed by government agencies; these geologists hold positions in which they are responsible for the review of submitted documents containing substantial geologic content.

Upon the occasion of the first of this type of complaint, the ABLPG responded to the complaint and also notified the PELSB of the situation. It was the ABLPG's general opinion that the individual in question was most likely performing the incidental practice of geology without benefit of appropriate formal training or experience. The PELSB, however, conducted its investigation and concluded that the engineer was qualified and appropriately practicing geology incidental to the practice of engineering. As a result, there was no disciplinary action taken by the PELSB.

Another issue is that of providing guidance to government agencies (indeed, to anyone or any entity who requests it), with respect to what geologists can and should do. In other words, what constitutes the public practice of geology, and who is qualified to do it? In early 1998, Mr. James W. Warr, Director of the Alabama Department of Environmental Management (ADEM) provided both boards with a list entitled "Submittals or Tasks Which May Require Certification by a Licensed Professional Geologist," and requested comments. The ABLPG responded to Mr. Warr with a revised list, which not only identified those tasks that can be performed by geologists, but also, in the geologists' opinion, by other qualified professionals, such as engineers or environmental scientists. There were a number of tasks, which the geologists believed could be appropriately conducted by professional engineers. The engineers' board expressed the opinion that it should have had the opportunity to review the geologists' board position prior to its submission to Mr. Warr. At this juncture, both boards decided to meet together for discussions.

First Joint P.G./P.E. Meeting

A joint board meeting, held on April 13, 1998, included the following geologists: Dr. Bob Cook (Auburn University); Mr. Mark Chapman (USX Corporation); Mr. Roger Chapman (Smacko, Ltd.); Mr. Fred Mason (ADEM); Mr. Tony Neathery, ABLPG Chair (Thornton L. Neathery and Associates, Inc.); Ms. Mary Moran (Gallet & Associates, Inc.); and the board's executive secretary, Mr. Keith E. Warren (Warren and Company). The engineers' board consisted of: Mr. Billy Smith (Smith Engineering); Dr. Tom Talbot, PELSB Chair (UAB); Mr. Carroll Hastings (Bell South); Mr. Lynn Doyle (Geotechnical Engineering and Testing, Inc.); and the board's executive director, Ms. Regina Dinger. It should be noted that, of the above engineers, one (Mr. Doyle) was a geotechnical engineer.

The joint board meeting resulted in the establishment of a temporary working group to address "gray areas" of practice. In addition, the board members agreed to send any complaint to whichever board had the responsibility (e.g., complaints concerning engineers or the practice of engineering were to be forwarded to the PELSB, and complaints concerning geologists or the practice of geology were to be referred to the ABLPG). The task list, which had been revised and submitted to Mr. Warr, remained controversial; the members of the PELSB were concerned that such a list would serve to restrict their constituents' ability to work and therefore could negatively impact their livelihoods. The ABLPG, in turn, believed that the task list was a necessary part of information that should be provided to the public regarding the practice of geology, and that the ABLPG was rightfully entitled to establish a list of tasks that could be performed by geologists.

Temporary Working Group

One representative from each of the boards (Ms. Moran from the ABLPG and Mr. Doyle from the PELSB) co-chaired the working group. Three engineers and three geologists, who were representatives from various professional societies, made up the remainder of the working group. The members of the working group were selected from the Consulting Engineers Council of Alabama (Mr. Frazier Christy, P.E.), the Alabama Society of Professional Engineers (Mr. Wade Pitchford, P.E.), the Alabama Society of Civil Engineers (Dr. Joe Judkins, P.E.), the American Institute of Professional Geologists (Mr. Mark Tanner, P.G.), the Alabama Geological Society (Mr. R. Benjamin Noble, P.G.), and the Geological Survey of Alabama (Mr. Ed Osborne, P.G.), among other affiliations.

The working group met together at Ms. Moran's offices in Birmingham on May 11, 1998 to discuss: the list of tasks attached to Mr. Warr's letter to the boards; the ABLPG's responding proposed list of tasks and responsibilities; the MOU; and each board's *Rules and Regulations* and *Code of Ethics*. The task force determined that geologists' and engineers' responsibilities and areas of practice were adequately covered in the existing documents establishing the criteria which an individual must meet before he/she is registered/licensed to practice in Alabama, and that a specific listing at this time would be inappropriate. Simply put, registrants/licensees are not supposed to practice outside of the areas of their expertise, and they are held to this by the *Code of Ethics*, which they accept with their registration/licensure.

One suggestion that the working group had with respect to providing assistance to ADEM was for ADEM to require that a one-page "Supplemental Information Form" be completed for Department submittals. There is a precedent, in the use of the "State of Alabama Building Permit Supplemental Information Form" which is submitted to the State by architects and engineers. The person making a submittal to ADEM would have to indicate the project(s) or task(s) provided in the submittal, along with the overall project description; this would be in a "Part 1." "Part 2" of the form would consist of the declaration of competence on the part of the person making the submittal. The Department would then keep this form in the file, and if questions arose during or subsequent to Department review as to the competency of the work, and the provider could not satisfactorily resolve these questions, the Department could forward a copy of the form to the appropriate board for that board's investigation. This form was submitted to Mr. Warr; as of this date, there has been no response or comment.

Second Joint P.G./P.E. Meeting

A second joint board meeting (held on June 22, 2000) was deemed necessary, due to additional occurrences of complaints from government agency officials that unqualified engineers

were practicing geology. Representatives from the ABLPG were Mr. Neathery, Ms. Moran, Mr. Warren, and Mr. Bill Little (ABLPG Counsel). Representatives from the PELSB were Dr. Talbot, Mr. Doyle, Ms. Dinger, and Ms. Carol Jean Smith (PELSB counsel). The agenda included discussion of the MOU, "gray areas" of jurisdiction, and the handling of complaints.

Mr. Doyle stated that the PELSB comprises various types of engineers, and acknowledged that the PELSB really did not have a member qualified to judge the competency of geologic work. Therefore, he requested that, in the event of a complaint, the ABLPG provide the PELSB with an explanation of the deficiencies in the geologic work done by the engineer in question. The ABLPG representatives agreed that this was a good suggestion. Mr. Doyle also suggested that, consistent with PELSB practice, a narrative description of geologic tasks be used *in lieu* of a task list. Then, Dr. Talbot recommended establishing a seven-member P.G./P.E. Task Committee, which was subsequently formed.

P.G./P.E. Task Committee

In addition to the conclusions of the prior discussions, impetus for convening a joint task committee was gained from the findings of a State of Alabama Department of Examiners of Public Accounts report. The report, prepared for the Joint Legislative Sunset Committee on July 26, 2000, noted that "[the J]urisdictional overlap [between the P.G. and P.E. boards] remains unresolved." The P.G./P.E. Task Committee consists of one representative from each board [Ms. Moran (ABLPG), and Mr. Doyle (PELSB)]; two engineers-at-large who practice in a field related to geology [Mr. Raymond Bishop (Drummond Company, Inc.), and Dr. Charlie Haynes (University of Alabama College of Engineering)]; two geologists-at-large [Mr. Bill Harris (Alabama Surface Mining Commission), and Ms. Kathy Keller (Alabama Department of Environmental Management)], and one dual-licensee [Mr. Reese Mallette (Reese E. Mallette Associates, Inc.)]. The committee met for the first time on October 30, 2000. The agenda included a review of the Geologists Enabling Act, the MOU, "gray areas" of jurisdiction, complaints made to the boards, incompetent work, guidelines for agencies, and the competency of review procedures by the boards. Several action items were assigned for follow-up. The members believed the meeting, as well as a subsequent meeting on December 1, 2000, to be informative as well as constructive, and the committee continues to meet and work together.

As a footnote, the ABLPG and the PELSB met socially for dinner in Montgomery, Alabama, on November 16, 2000.

Continuing Education

By: Dr. Bob Cook

Registration renewals requiring continuing education credit are beginning to arrive. There are several mistakes that are appearing with regularity. One is in the conversion of courses that receive formal CEU credit to the PDH system we currently use. The conversion is ten PDH's per CEU. Another point of confusion deals with acceptable activities. The board is using a very broad definition that allows most activities that result in continued professional education of the registrant or education of his/her peer group. The Board will take into consideration the area of geological employment reported by the applicant when evaluating continuing education activities. For example, several registrants are lawyers and their specialized continuing education courses related to environmental law are acceptable. Those persons employed in various areas of environmental regulation may count most of the courses they are required to take by their employer. Unfortunately, admittedly important activities such as giving lectures to Boy Scout or Girl Scout troops, elementary or high school classes, and civic groups do not count towards the continuing education requirement. The

total hours allowable in any biennial period for formal field trips is 15 PDH's, regardless of hours carried forward from some prior year. In other words, do not carry forward field trip hours and then claim an additional 15 hours for trips taken during the reporting period. Since this is difficult to check during the initial reporting period, some brief indication of how the PDH hours carried forward were earned should be given to avoid a credit audit. Also note, there is a limit placed on hours that can be earned from in-house presentations such as university seminars and attendance at local professional society meetings where technical presentations are made. Please refer to prior issues of the Alabama Geologist for details. Finally, please make sure that the information you submit is understandable. One application for renewal showed some 700+ PDH hours claimed for three courses taught at an Alabama university while apparently living in Las Vegas and working for a well know consulting firm. The applicant then showed his employment category as "Government."

Expired Licenses

<i>Last Name</i>	<i>First Name</i>	<i>Expiration</i>
Alfaro	Caryl L.	Nov-2000
Anderson	Dr. James H.	Jun-2000
Aserlind	Eric	Dec-2000
Blackledge	Krista Dawn	Sept-2000
Blais	Richard N.	Dec-2000
Bowman	R. Larry	Oct-2000
Brackett	David A.	Dec-2000
Brody	Robyn T.	Oct-2000
Bryan	Jack H.	Aug-2000
Buss	David R.	Jul-2000
Chapman	Jim A.	Oct-2000
Chenard	Jim	Dec-2000
Cook, Jr.	Philip L.	Sept-2000
Cumbee	Gil W.	Nov-2000
Cupp	Joseph D.	Jun-2000
Demirpolat	Suley	Nov-2000
Donnelly	Andrew C.A.	Apr-2000
Ellard	Jesse S.	Oct-2000
Findlay	James C.	Oct-2000
Fiori	Michael A.	Nov-2000
Floyd	Wendy A.	Oct-2000
Ford	Carol Goldinger	Oct-2000
Goodrich	David M.	Dec-2000
Grainger	Gerald S.	Nov-2000
Gregg	L.T.	Dec-2000
Hallett	Patrick D.	Nov-2000
Haq "Rana"	Waheed	Nov-2000
Hemsley	Kim D.	Dec-2000
Henson	Sharron M.	Dec-2000
Jones	Harold H.	Feb-2000
Knight, Jr.	Louis L.	Oct-2000
Krueger	James P.	Feb-2000

<i>Last Name</i>	<i>First Name</i>	<i>Expiration</i>
Lamkin, Jr.	Howard	Nov-2000
Larkin	Frank E.	Jun-2000
Lewis	Robert A.	Apr-2000
Litzinger	Lester Adam	Dec-2000
Macdonald	Quintin G.	Oct-2000
Marks	Stephen D.	Dec-2000
McCord	Wallace A.	Oct-2000
Menkus	Michael	Oct-2000
More	Syver W.	Oct-2000
Murray	Brian S.	Nov-2000
Neilson	Michael J.	Dec-2000
Noble	Leslie	Dec-2000
Pominski	David H.	Oct-2000
Quinnan	Joseph A.	Jun-2000
Radar, Jr.	Nelson B.	Nov-2000
Roberts	Gregg H.	Oct-2000
Rogers	Lloyd B.	Dec-2000
Rucker, Jr.	James Edward	Nov-2000
Ryan	Jeffrey J.	Jan-2001
Salcedo	Jorge R.	Dec-2000
Sandoval	John Paul	Nov-2000
Schmitz	Darrel W.	May-2000
Smith	Charles R.	Dec-2000
Smith	Patrick G.	Apr-2000
Solomon	Hayden S.	Dec-2000
Traxler	Doyle L.	Sept-2000
Van Winkle	Steven W.	Feb-2000
Vines	Terry Lee	Apr-2000
Voorhies, III	Coerte A.	Sept-2000
Waddell	H. Neal	Dec-2000
Winkler	Amy I.	Feb-2000

Executive Secretary Notes

I am pleased to announce our new website for the Board. Please note the new address is www.algeobd.state.al.us. On our new website you will be able to access all licensed professional geologists and geologists-in-training. You will be able to search by name, license number and county and you will also be able to access those licensees that are expired. All forms for licensure will be on the website as well. You will no longer be required to pay the application request fee of \$25.00 unless you do request a hard copy from our office. All forms in the application package will be available to everyone on the website. Our email address will remain the same, algeobd@aol.com.

The Board has recently moved to its new location at 610 S. McDonough Street in Montgomery, Alabama. The mailing address will remain the same, Post Office Box 175, Montgomery, AL 36101-0175.

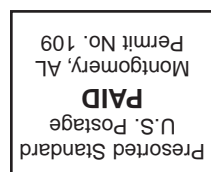
The Board recently approved to enter into a Comity Agreement with the State of Arkansas. The Board continues to move forward into these agreements to assist you and others to be able to work in other areas of the country with ease.

Please do not hesitate to contact my staff or me should you have any questions or if we can be of any assistance to you.

Sincerely,



Keith E. Warren



Alabama Geologist
Alabama Board of Licensure for Professional Geologists
610 S. McDonough Street
Post Office Box 175
Montgomery, Alabama 36101-0175